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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,612	08/25/2003	Robert Howard	2189	2847

7590 08/28/2006

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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/647,612	HOWARD ET AL.	
	Examiner	Art Unit	
	BINH K. TIEU	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-10, 15, 17-27 and 29-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhuo et al. (Pub. No.: US 2003/0036865 A1).

Regarding claims 1, 15, 25 and 27, Zhuo et al. (Hereinafter, “Zhuo”) teaches a computerized method for scheduling multiple tests on a single system residing in a single test environment, comprising the steps of and means for:

- (a) receiving a request to run a selected test on said system at a selected start time (paragraphs [0056] and [0059]);
- (b) determining a time slot for said selected test (i.e., the time slot for selected test needs seven days to finished, see paragraph [0054]);
- (c) identifying any scheduled tests to be run on said system within said time slot (see paragraph [0074]);
- (d) identifying any conflicts between said selected test and said any scheduled tests (see paragraph [0063]); and

(e) if none of said scheduled tests are identified or if none of said conflicts are identified, scheduling said selected test to run on said system at said selected start time (see paragraph [0067]).

Regarding claims 3-4, 17-18 and 29-30, run time is read on the seven days of a week for said selected test; and the time slot is read on calculation of two workers each works 10 hours (read on time intervals) a day, and total worked hours for the two workers would be 168 hours, note paragraphs [0054] and [0063].

Regarding claims 5, 19 and 31, note paragraph [0066].

Regarding claims 6-7, 20-21 and 32-33, note paragraphs [0063]-[0064], [0067], [0072], [0074] and [0079].

Regarding claims 8, 22, 26 and 34, note paragraphs [0063] and [0074].

Regarding claims 9, 23 and 35, note paragraph [0074].

Regarding claims 10, 24 and 36, note paragraph [0079].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhuo et al. (Pub. No.: US 2003/0036865 A1) in view of Herrbach et al (US. Pat. #: 6,269,150).

Regarding claims 2, 16 and 28, Zhuo teaches all subject matters as claimed above. It is noted that Zhuo teaches the method to test the single system, which is not a telecommunications system such as a switch. However, Herrbach et al. (Hereinafter, "Herrbach") teaches a method for automatically testing a telecommunications system such as a switch, such as a 5ESS switch, without an operator to be presented at the test failures (see col.3, lines 2-12) for a purpose of determining whether the switch is operating correctly, as well as to verify that calls and maintenance activities work correctly under various conditions.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above teachings of Herrbach into view of Zhuo in order to determine and verify the switch's operations and activities under various conditions.

6. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhuo et al. (Pub. No.: US 2003/0036865 A1) in view of Cowgill (US. Pat. #: 5,835,566).

Regarding claim 11, Zhuo teaches a computerized method for scheduling multiple tests on a single system residing in a single test environment, comprising:

(a) maintaining a database identifying a plurality of time intervals and corresponding schedule tests or test schedules (see figure 3 showing a database storing blocked-out appropriate time periods for performance of the tests on usage charts corresponding to the particular resource, see paragraph [0074])

(b) receiving a request to run a selected test on said system at a selected start time (paragraphs [0056] and [0059]);

(c) determining a time slot for said selected test (i.e., the time slot for selected test needs seven days to finished, see paragraph [0054]);

(d) identifying any scheduled tests to be run on said system within said time slot (see paragraph [0074]);

(e) identifying any conflicts between said selected test and said any scheduled tests (see paragraph [0063]); and

(f) if none of said scheduled tests are identified or if none of said conflicts are identified, scheduling said selected test to run on said system at said selected start time (see paragraph [0067]).

It should be noticed that Zhuo fails to clearly teaches said computerized method for scheduling multiple tests residing in a single test environment to be performed on a single *telecommunications* system. However, Cowgill teaches such feature in figures 12 and 13, col.15, line 12 through col.16, line 21 for a purpose of testing elements of the telecommunications system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cowgill into view of Zhuo in order to test all types of elements of a telecommunications system requested by the test requesters.

Regarding claims 12 and 26, Zhuo further teaches limitations of the claims in paragraphs [0063] and [0074].

Regarding claims 13-14, Zhuo further teaches limitations of the claims in paragraphs [0063]-[0064], [0067], [0072], [0074] and [0079].

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

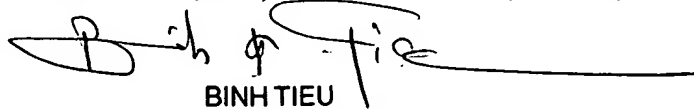
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal line extending to the right.

BINH TIEU
PRIMARY EXAMINER

Technology Division 2614

Date: August 21, 2006